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May 13, 2019

Via Electronic Submission

National Freedom of Information Officer,
United States Environmental Protection Agency,
1200 Pennsylvania Avenue, NW (2822T),
Washington, DC 20460.

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, FCA US LLC ("FCA") hereby requests that the United States Environmental Protection Agency ("EPA") produce the following documents, from any and all EPA offices where they are located:¹

1. All communications written by, sent to, or copying the individuals listed in Appendix A concerning:
 - (a) the EPA's review and approval of FCA's applications for a Certificate of Conformity ("COC") for Model Year 2014-2016 Jeep Grand Cherokee and Ram 1500 vehicles equipped with an "EcoDiesel" 3.0 Liter V6 engine (the "Vehicles"); and

¹ The responsive period for this request is from January 1, 2010, through March 31, 2016. For the avoidance of doubt, none of these Requests seeks information protected from disclosure by 5 U.S.C. § 552(b)(4) (concerning "trade secrets and commercial or financial information").

- (b) any actual, possible or suspected “Auxiliary Emissions Control Device” (“AECD”), as reflected in 40 C.F.R. § 86.1803-01, or “Defeat Device,” as reflected in 40 C.F.R. § 86.1803-01, in any of the Vehicles.
- 2. Testing protocols applied to, and the results of, EPA’s emissions testing of the Vehicles to identify the quantum of oxides of nitrogen emitted by the Vehicles.
- 3. Any internal directives or policies issued by the EPA, and documents sufficient to show guidance provided by the EPA to Original Equipment Manufacturers (“OEMs”), as defined in 40 C.F.R. § 86.1803-01, concerning which types of emissions control features should, or need not, be disclosed as an AECD in applications for a COC for a vehicle with a diesel-powered engine.
- 4. Any internal directives or policies issued by the EPA following the September 18, 2015 announcement of the EPA’s enforcement action against Volkswagen AG concerning the identification or disclosure to the EPA of Defeat Devices or AECDs in light-duty vehicles, as defined in 40 C.F.R. § 86.1803-01, with diesel-powered engines.

* * *

Please produce all copies of responsive documents in their entirety, including all attachments, enclosures, and exhibits, and please provide documents as they are located and copied, rather than waiting until all responsive documents are found.

In the event that you determine that a document contains material or information that falls within the statutory exemptions to mandatory disclosure, please cite the specific exemption(s) upon which the denial is based, and please review such material for possible discretionary disclosure. In accordance with the provisions of 5 U.S.C. § 552(b), please produce all segregable portions of any otherwise exempt document.

FCA’s fee category is commercial, and FCA agrees to pay all reasonable costs incurred in processing this request, including all reasonable search, review, and production costs.

Although a written reply is requested and expected, if you have any questions about this request or require any further information, please contact me at (212) 558-3551. We very much appreciate your prompt consideration of this request.

Sincerely,

/s/ Thomas C. White

Thomas C. White

cc: Byron Bunker
Director, Compliance Division
Office of Transportation and Air Quality
United States Environmental Protection Agency
bunker.byron@epa.gov

Phillip Brooks
Director, Air Enforcement Division, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
brooks.phillip@epa.gov

APPENDIX A

1. Joel Dalton (General Engineer, Compliance Division, OTAQ)
2. Joel Ball (Environmental Protection Specialist, Compliance Division, OTAQ)
3. Linc Wehrly (Center Director, Light-Duty Vehicle Center, Compliance Division, OTAQ)
4. Byron Bunker (Director, Compliance Division, OTAQ)
5. Christopher Grundler (Director, National Vehicle and Fuel Emissions Laboratory, OTAQ)